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VOLUNTARY REPATRIATION

RESOURCE MOBILIZATION FOR VOLUNTARY REPATRIATION MOVEMENTS AND REINTEGRATION ASSISTANCE*

Introduction

1. To effectively discharge its mandate, UNHCR continues to explore ways of enhancing the capabilities of the Office, both to respond to refugee situations as they emerge and to resolve refugee situations when circumstances permit. This Conference Room Paper addresses this latter capability and explores options whereby UNHCR might better execute voluntary repatriation movements, with particular reference to the question of the mobilization of the necessary financial resources on a timely and adequate basis.

2. Voluntary repatriation has long been regarded as the preferred durable solution to a refugee situation. With the international political climate changing daily, a development which in turn is reflected in a renewed commitment to multilateralism, negotiations are under way in various parts of the world that provide grounds for hope that voluntary repatriation could soon become realizable for a large proportion of the world's refugees.

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3. Such repatriation movements and associated initiatives to re-integrate the returnees are at risk, however, because of a range of factors, especially the unavailability of timely funding. A range of circumstances have contributed to increased pressures on both international humanitarian and related development budgets. Ironically, the very international climate that makes voluntary repatriation a possibility, also has occasioned situations which create competition for international funds, thereby limiting voluntary repatriation as a viable and readily available option: new political realities need to be stabilized by emergency humanitarian aid and investments for the restructuring of economies. Moreover, the process of liberalization and democratization has witnessed, in some instances, the release of exaggerated nationalisms and accompanying ethnic strife which, in turn, have created emergencies that have made additional calls on humanitarian funds. Furthermore, recent major complex man-made emergencies have made corresponding calls on humanitarian budgets. Meanwhile, the North-South gap continues to widen with a toll of human misery that can only be adequately addressed by international initiatives which have significant financial implications.

4. All of these developments suggest that some resource mobilization mechanism(s) has to be found whereby voluntary repatriation movements are assured of being viable options and are not held hostage to the lack of availability of funds, both at the time when needed and in the amounts required. The possibility of voluntary repatriation, whereby individuals re-find that most precious of realities, namely their patria, needs to be cushioned against competing demands for limited international humanitarian and development funds.

5. The Executive Committee has given in depth consideration to the durable solution of voluntary repatriation on a number of occasions, the most recent being the adoption of a Conclusion on the subject at the Thirty-sixth session (1985) 1/.

6. This Conference Room Paper looks primarily at the funding dimension of voluntary repatriation and explores some mechanisms that would assure that opportunities for voluntary repatriation can be seized when they present themselves. Timely and well managed voluntary repatriation initiatives can only lead to a considerable reduction in costly care and maintenance programmes.

Present Expenditure

7. In 1990, UNHCR spent $ 63.8 million under General Programmes and Special Programmes on voluntary repatriation activities. In terms of expenditure on types of assistance (emergency assistance, care and maintenance, local settlement and resettlement), this constituted some 13.5 per cent of a total expenditure of $ 474.3 million (E/1991/65, Table 2). Care and maintenance ($ 281.5 million) amounted to 59.4 per cent.

1/ Conclusions 18(XXXI), 40(XXXVI); see Annex I for Conclusion 40.

8. A study of UNHCR Activities Financed by Voluntary Funds: Report for 1990-1991 and Proposed Programmes and Budget for 1992, Parts I-VI, (A/AC.96/774) highlights the emerging possibilities for significant return movements in the near future, in particular to Angola, Cambodia, Rwanda, South Africa and Western Sahara.

UNHCR's Role

9. The scope of UNHCR's involvement in voluntary repatriation movements has been well set out in Conclusions 18 (XXXI) and 40 (XXXVI) of the Executive Committee. The actual form of this involvement will depend, however, on the circumstances of a particular repatriation movement. Invariably this involvement focuses on a range of protection and assistance activities. As the majority of refugee situations are found to-day in under-developed countries, UNHCR's assistance activities might need to be complemented by development initiatives of relevant agencies, so as to assure the durability of any voluntary repatriation movement. In promoting the support of these agencies, UNHCR has an indispensable catalytic role.

10. UNHCR's protection and assistance activities are closely linked, with the latter often being the means to provide the former. The funding of voluntary repatriation movements invariably embraces protection and assistance elements. Once protection considerations have been assured, however, the progress of any voluntary repatriation movement is largely dependent on the ability of the Office to adequately finance related assistance activities.

11. The nature of the assistance activities to be undertaken by UNHCR to returnees will depend on particular circumstances. For example, in the case of rural refugees, assistance in the the various stages of their integration and rehabilitation is considered as being confined to the following:

(a) that extended for the actual repatriation movement e.g. transport, food/water for the journey, temporary shelter etc., and basic assistance to satisfy the immediate and individual needs of returnees e.g blankets, tools, seeds etc. Operational considerations will determine whether these last mentioned types of assistance will be provided to returnees at the time of their departure from the asylum country, or on arrival in their country of origin.

(b) short-term rehabilitation which would help the returnees towards a basic standard of living comparable to that of the local population; this would mainly be in the form of assistance to individuals but, where necessary, could take the form of limited support in improving the infrastructure of communities which have a concentration of returnees.

12. Longer-term assistance of a developmental nature, which would focus on the returnees, the indigenous population and the areas receiving the returnees would be the responsibility of development agencies. Here UNHCR would fulfil a catalytic role as envisaged in the Decision of the Fortieth Session of the Executive Committee (1989) on Refugee Aid and Development (A/AC.96/737, para. 32, Decision J). This catalytic role would consist in "the identification,

preparation and formulation of possible refugee-related development projects by host governments and development agencies and non-governmental organizations, with appropriate UNHCR involvement, and which would be subsequently implemented with funds administered by development agencies" (A/AC.96/737, para. 32 (d)).

13. One of the challenges confronting UNHCR is how to effectively promote the involvement of development agencies in repatriation movements. Most recently, discussions in fora such as the UNDP Governing Council and ECOSOC have highlighted the fact that relief, rehabilitation, reconstruction, and development are part of the same continuum. What is now required are the political will and effective mechanisms to assure the necessary linkage between refugee situations, especially voluntary repatriation movements, and development initiatives. With so many potential voluntary return movements on the horizon, the establishment of such predictable mechanisms takes on an urgency. Progress in the Consultative Committee on Substantive Questions (Operational Activities), a subsidiary body of the Administrative Committee on Coordination (ACC), on Guidelines for Refugee Aid and Development is promising in this regard.

Present Budgetary Arrangements

14. At the moment, from the point of view of UNHCR's Budget, the costs of the actual repatriation movement and basic needs (if provided on departure) as per 11 (a) above, are covered under General Programmes; as to short-term rehabilitation 11 (b), this would normally be the object of a Special Fund Raising Appeal. In the case of large-scale repatriation programmes, the costs related to 11 (a) might also have to be the object of a Special Fund Raising Appeal, where these costs cannot readily be absorbed within the General Programmes Budget.

15. Given the primacy that UNHCR attaches to voluntary repatriation as a durable solution, the question might be legitimately posed as to why only a modest amount for voluntary repatriation is funded through the General Programmes to which UNHCR attaches funding priority. The answer is that given financial constraints, UNHCR has had to focus under the programme target approved for General Programmes on life saving and life sustaining activites, especially care and maintenance, and thus far, could only include provisions for voluntary repatriation to the extent that such movements were on a small scale and could be programmed in advance..

16. The above budgetary arrangements highlight the extent to which voluntary repatriation movements are dependent on responses to Special Funding Appeals. Often this response is slow in forthcoming and fails to meet the level of assessed needs, thus adversely affecting the pace of implementation of the repatriation movement.

Proposals

17. UNHCR's responsiveness in the face of opportunities for voluntary repatriation would be considerably enhanced if it had recourse to an assured source of funding to meet short-term reintegration/rehabilitation costs. The High Commissioner invites donors to explore possible ways of meeting these

perceived needs. The availability of resources to meet such needs would enable the High Commissioner to engage in more concrete forward planning, especially in regard to the necessary measures to be taken on behalf of returnees in their country of origin, thus making repatriation a more viable proposition.

18. In addition, UNHCR proposes that there be included in future General Programme targets, more substantial provisions to promote voluntary repatriation and to meet costs of transportation/movements, as well as any basic needs that are to be provided on departure. In this way also, the preferred durable solution of voluntary repatriation would figure more prominently among UNHCR's funding priorities as reflected in General Programmes. Should such an initiative find support with Member States, more specific options would be presented to the Sub-Committee on Administrative and Financial Matters in discussions on the General Programmes target.

19. Governments are invited to explore the above proposals in the course of their deliberations in the Sub-Committee on Administrative and Financial Matters.

No.40 (XXXVI) VOLUNTARY REPATRIATION*

The Executive Committee,

Reaffirming the significance of its 1980 conclusion on voluntary repatriation as reflecting basic principles of international law and practice, adopted the following further conclusions on this matter:

(a) The basic rights of persons to return voluntarily to the country of origin is reaffirmed and it is urged that international co-operation be aimed at achieving this solution and should be further developed;

(b) The repatriation of refugees should only take place at their freely expressed wish; the voluntary and individual character of repatriation of refugees and the need for it to be carried out under conditions of absolute safety, preferably to the place of residence of the refugee in his country of origin, should always be respected;

(c) The aspect of causes is critical to the issue of solution and international efforts should also be directed to the removal of the causes of refugee movements. Further attention should be given to the causes and prevention of such movements, including the co-ordination of efforts currently being pursued by the international community and in particular within the United Nations. An essential condition for the prevention of refugee flows is sufficient political will by the States directly concerned to address the causes which are at the origin of refugee movements;

(d) The responsibilities of States towards their nationals and the obligations of other States to promote voluntary repatriation must be upheld by the international community. International action in favour of voluntary repatriation, whether at the universal or regional level, should receive the full support and co-operation of all States directly concerned. Promotion of voluntary repatriation as a solution to refugee problems similarly requires the political will of States directly concerned to create conditions conducive to this solution. This is the primary responsibility of States;

(e) The existing mandate of the High Commissioner is sufficient to allow him to promote voluntary repatriation by taking initiatives to this end, promoting dialogue between all the main parties, facilitating communication

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*CONCLUSION ENDORSED BY THE EXECUTIVE COMMITTEE OF THE HIGH COMMISSIONER'S PROGRAMME UPON THE RECOMMENDATION OF THE SUB-COMITTEE OF THE WHOLE ON INTERNATIONAL PROTECTION OF REFUGEES.

between them, and by acting as an intermediary or channel of communication. It is important that he establishes, whenever possible, contact with all the main parties and acquaints himself with their points of view. From the outset of a refugee situation, the High Commissioner should at all times keep the possibility of voluntary repatriation for all or for part of a group under active review and the High Commissioner, whenever he deems that the prevailing circumstances are appropriate, should actively pursue the promotion of this solution;

(f) The humanitarian concerns of the High Commissioner should be recognized and respected by all parties and he should receive full support in his efforts to carry out his humanitarian mandate in providing international protection to refugees and in seeking a solution to refugee problems;

(g) On all occasions the High Commissioner should be fully involved from the outset in assessing the feasibility and, thereafter, in both the planning and implementation stages of repatriation;

(h) The importance of spontaneous return to the country of origin is recognized and it is considered that action to promote organized voluntary repatriation should not create obstacles to the spontaneous return of refugees. Interested States should make all efforts, including the provision of assistance in the country of origin, to encourage this movement whenever it is deemed to be in the interests of the refugees concerned;

(i) When, in the opinion of the High Commissioner, a serious problem exists in the promotion of voluntary repatriation of a particular refugee group, he may consider for that particular problem the establishment of an informal ad hoc consultative group which would be appointed by him in consultation with the Chairman and the other members of the Bureau of his Executive Committee. Such a group may, if necessary, include States which are not members of the Executive Committee and should in principle include the countries directly concerned. The High Commissioner may also consider invoking the assistance of other competent United Nations organs;

(j) The practice of establishing tripartite commissions is well adapted to facilitate voluntary repatriation. The tripartite commission, which should consist of the countries of origin and of asylum and UNHCR, could concern itself with both the joint planning and the implementation of a repatriation programme. It is also an effective means of securing consultations between the main parties concerned on any problems that might subsequently arise;

(k) International action to promote voluntary repatriation requires consideration of the situation within the country of origin as well as within the receiving country. Assistance for the reintegration of returnees provided

by the international community in the country of origin is recognized as an important factor in promoting repatriation. To this end, UNHCR and other United Nations agencies as appropriate, should have funds readily available to assist returnees in the various stages of their integration and rehabilitation in their country of origin;

(l) The High Commissioner should be recognized as having a legitimate concern for the consequences of return, particularly where such return has been brought about as a result of an amnesty or other form of guarantee. The High Commissioner must be regarded as entitled to insist on his legitimate concern over the outcome of any return that he has assisted. Within the framework of close consultations with the State concerned, he should be given direct and unhindered access to returnees so that he is in a position to monitor fulfilment of the amnesties, guarantees or assurances on the basis of which the refugees have returned. This should be considered as inherent in his mandate;

(m) Consideration should be given to the further elaboration of an instrument reflecting all existing principles and guidelines relating to voluntary repatriation for acceptance by the international community as a whole.